

2. However, federal habeas relief lies only upon challenges to the fact or duration of a petitioner's confinement, and when the relief he seeks is immediate or speedier release from imprisonment. *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). Petitioner does not seek release from imprisonment, nor can he, because he is a convicted prisoner serving a valid sentence. Rather, what he seeks is a transfer from CRAF to Bo Robinson, presumably because Bo Robinson is a less restrictive facility where Petitioner would be entitled to more privileges. The Third Circuit has already ruled that, under similar circumstances, there is no cognizable habeas claim. *See Levi v. Holt*, 193 F. App'x 172, 175 (3d Cir. 2006) ("Levi's transfer to the Special Housing Unit and the loss of various privileges do not invoke the same due process protections. Additionally, these punishments cannot be challenged under § 2241 because in no manner do they affect the fact or length of his sentence or confinement."). Instead, the appropriate remedy is a civil rights action. *See Preiser*, 411 U.S. at 494 (stating that if a plaintiff is "attacking something other than the fact or length of his confinement, and he is seeking something other than immediate or more speedy release . . . habeas corpus is not an appropriate or available federal remedy," and the attack should "be brought under the Civil Rights Act in federal court."); *Levi*, 193 F. App'x at 174 n.2. As such, the Petition fails to state a claim upon which relief may be granted.



Peter G. Sheridan
United States District Judge

Date: